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Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Hungary

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Working Group on discrimination against women in law and in practice on its visit to Hungary from 17 to 27 May 2016. The Working Group reviews the State's legal, policy and institutional frameworks for women's human rights, including the constitutional guarantee of equality between women and men and the characteristics of women's economic and social participation, particularly in the light of the family policy framework. It highlights the impact of gender stereotyping on women's advancement in political and public life. In the area of women's health, the Working Group draws attention to the existence of barriers to access to reproductive health services. It notes progress in combating violence against women, and the remaining challenges. It recommends that the Government give the elimination of discrimination against women priority on its agenda.

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Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Hungary*

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* Circulated in the language of submission only.

I. Introduction

1. The Working Group on discrimination against women in law and in practice, led by its Chair-Rapporteur, Frances Raday, visited Hungary from 17 to 27 May 2016 at the invitation of the Government. The Working Group met with various stakeholders in Budapest, Bicske, Eger and Pécs. It expresses its appreciation to the Government for its cooperation before and during the visit.

2. In accordance with the mandate of the Working Group, the objective of the visit was to engage in dialogue with the Government and other stakeholders, including civil society organizations, on eliminating discrimination against women in law and in practice.

3. In Budapest, the Working Group met with representatives of the Ministry of Human Capacities, the Ministry of National Economy, the Ministry of the Interior, the Ministry of Agriculture, the Ministry of Justice, the Ministry of Foreign Affairs and Trade, the Prime Minister's Office, the Central Statistical Office, the Constitutional Court, the Office of Immigration and Nationality, the Equal Treatment Authority, the Office of the Prosecutor General, the National Media Authority, the National Judicial Office, and members of the Parliament. It also met with the Commissioner for Fundamental Rights, representatives of civil society organizations working on women's rights, academic scholars, and representatives of the United Nations. The Group expresses its appreciation to all its interlocutors for their valuable input, including individual experts and representatives of women's human rights organizations.

II. Context

4. Hungary has undergone important transformations in recent decades, with a significant impact on gender equality and women's rights. The end of the socialist system in 1989 and the first multiparty parliamentarian election held the following year initiated a process of transition from a centrally planned State economy to a free market economy. The egalitarian approach of the socialist State to men's and women's economic and social participation had provided women with comparable access to employment and education as men, and special protections in the field of maternity and child care. During the years of transition, attention was centred on the process of privatization and foreign investment. Women's economic and social rights did not figure as priorities; this resulted in many women losing their jobs, a severe reduction of child-care services owing to welfare cutbacks, and a decline in the real value of subsidies for families with children.[1] It was also due to the liquidation or privatization of State companies, which had previously offered child-care facilities.

5. In the process of adhesion to the European Union in 2004, Hungary brought its legislative, policy and institutional frameworks into line with European Union directives. In 2003, in preparation for entry into the European Union, it adopted Act CXXV on Equal Treatment and the Promotion of Equality of Opportunities.

6. In 2011, Hungary enacted the Fundamental Law, which provides for a constitutional guarantee of equality for women. Following the outcome of the 2010 and 2014 legislative elections, the Government has been able to undertake a wide range of legislative initiatives.

[1] European Parliament, "The Policy on Gender Equality in Hungary: Update 2013", Directorate-General for Internal Policies, 2013.

According to some observers, the Government "has structurally reorganized the Hungarian State and fundamentally modified the Hungarian legal system since 2010."[2]

III. Legal, policy and institutional frameworks

7. Hungary has ratified most of the core international human rights treaties (A/HRC/WG.6/25/HUN/2), including the Convention on the Elimination of Discrimination against Women and the Optional Protocol thereto. It has ratified key conventions of the International Labour Organizations. Hungary has signed but not yet ratified the Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).

A. Constitutional framework

8. The Fundamental Law, which entered into force in January 2012 and was subsequently amended five times, frames the normative environment for women's human rights. It includes sex as one of the numerous grounds of prohibition of discrimination, and guarantees women and men equal rights. It also clarifies that the State is to promote equal opportunities and social convergence by introducing special measures, and taking measures aimed specifically at protecting families, children, women, the elderly and the disabled.

9. The Fundamental Law contains robust provisions for the protection of the family, to which it refers as "the basis of survival of the nation", and encourages the commitment to have children. It also guarantees the right to life and human dignity, and specifies that the life of the foetus is to be protected from the moment of conception. Act CCXI of 2011 on the Protection of Families was adopted to implement the Fundamental Law and to ensure that its family policy would bind all future Governments. In a key ruling in 2012, the Constitutional Court struck down provisions in the Act that limited "family" to marriage between a man and a woman plus dependent children as being "excessively restrictive".

10. In response to the rulings of the Court, in March 2013, Parliament passed the fourth amendment to the Fundamental Law, reconfirming that the family was based on marriage between a man and a woman and the parent-child relationship. According to the Government, the amendment does not exclude the legal protection of family relationships in a broader sense;[3] cohabitation of same-sex couples has been recognized since 1996; such couples have also been able to enter into registered partnerships since 2009 with most of the same rights and duties that come with marriage.

B. Equal Treatment and Promotion of Equal Opportunities Act

11. Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities, which established an anti-discrimination framework, was considered by interlocutors to be a good instrument to ensure equal rights for all persons in Hungary. The Act introduced the concept of "positive discrimination", aimed at the elimination of inequality of opportunities of an expressly identified social group. It includes both direct and indirect discrimination as punishable. In accordance with European Union directives, the Act established an equal treatment authority to monitor the implementation of the law.

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[2] Beáta Nacsa, "Country report: Gender equality. How are EU rules transposed into national law? Hungary", reporting period 1 July 2015–1 April 2016, European Commission.

[3] See information annexed to A/HRC/WG.6/25/HUN/1.

12. Sex, pregnancy, motherhood or fatherhood, sexual orientation and sexual identity are among the 20 prohibited grounds of discrimination in the Act. By including women as just one of a list of marginalized groups, the Act fails to provide either a stand-alone goal for the elimination of discrimination against women or a goal for integrating women's right to equality within each of the marginalized groups. This undermines the potential for developing targeted gender equality measures on both structural and identity levels, combating gender stereotypes, providing suitable measures for the participation, advancement and empowerment of women in public political and economic forums and securing equality in the family.

C. National Strategy for the Promotion of Gender Equality (2010–2021)

13. The State's gender equality policy was outlined in the National Strategy for the Promotion of Gender Equality, adopted in 2010 by the previous Government and financed by European Union structural funds and the national budget.[1] The strategy mirrors the European Union road map for gender equality 2006-2010, including objectives that can form a solid basis for the promotion of gender equality. The strategy is based on the priorities of achieving equal economic independence for women and men, eliminating the gender pay gap, considering the issues of poverty and health in relation to women; stronger support for the reconciliation of work, private and family life; increasing the participation of women in political and economic decision-making, and in the field of sciences; taking the measures necessary to eradicate and efficiently prevent gender-based violence; eliminating gender stereotypes; and laying the professional foundations for the changes required to achieve the targets set by gender mainstreaming.

14. The Government committed to the formulation of biennial plans of action that would include measures related to long-term targets and the methods of implementation (CEDAW/C/HUN/7-8). After an initial 2-year plan, which covered a range of priority areas, including paid work, care, family and political life, health and education, the only measures that were further introduced were in 2014, for family support.

D. Institutional framework

1. Equal Treatment Authority

15. The Act on Equal Treatment and Promotion of Equal Opportunities (2003) established the Equal Treatment Authority as an autonomous entity that reports to Parliament. The Authority also takes educational initiatives to eliminate all forms of discrimination. In 2012, the Authority's budget was significantly reduced, resulting in a decrease in the number of experts and staff.[1] According to government information, the financial situation of the Authority has improved since 2013, although it is unclear what impact this has had on the staffing situation.

16. The Equal Treatment Authority examines and decides on individual cases that are submitted to it. It has the right to fine companies or government agencies found to have acted in a discriminatory way. The Authority deals with all 20 listed grounds of discrimination. No specific institution or branch is responsible for implementing women's rights. Despite the data on inequality between women and men in the labour market, the Authority does not deal with many cases on discrimination against women, which mostly concern equal pay, motherhood or pregnancy. Although sexual harassment is prohibited by the Equal Treatment Act, the Authority has only found one employer guilty of this offence.

2. Commissioner for Fundamental Human Rights

17. Established by the Act CXI (2011), the Commissioner for Fundamental Human Rights is an ombudsman-type institution that covers the spectrum of fundamental rights, including the principle of equal treatment and non-discrimination, and is responsible for the protection of all vulnerable groups. Two deputy commissioners are responsible for the protection of the rights of national minorities and the protection of the interests of future generations.

18. In accordance with the mandate and institutional structure of the office of the Commissioner for Fundamental Human Rights, women are one of a number of vulnerable social groups. In a submission for the Committee on the Elimination of Discrimination against Women of January 2013, the office of the Commissioner had not received any complaints concerning discrimination against women. The full potential of the office in the promotion and protection of women's rights seems yet to be realized.

3. Governmental entities and mechanisms

19. Since the change of Government in 2010, national women's machinery and programmes have undergone significant changes, placing greater emphasis on supporting child care and improving family welfare, population indicators, and the status of families and women with children (CEDAW/C/HUN/Q/7-8/Add.1).

20. The Office of the State Secretary for Family and Youth Affairs of the Ministry of Human Capacities is the main governmental entity responsible for women's affairs. The Department of Gender Equality was replaced by the Department for Equal Opportunities, which was given a broader scope of responsibilities (but a reduced number of staff members). The Department of Family Policy plays an important role in the development of policies affecting women, including their reproductive rights and work-life balance. According to the stated goal of the Government and the opinion of stakeholders, the Department focuses most of its work on women's role in the family, as mothers in the context of greater demographic growth.[4]

21. The Council for Gender Equality, a tripartite consultative forum for issues of gender equality consisting of representatives of ministries, non-governmental organizations and independent experts, has reportedly not been convened since 2010.

22. The approach of the special ministerial commissioner on women's employment, appointed by the Minister for the Economy, has been seriously questioned by women's organizations for her lack of public visibility and her focus on portraying women's employment in a positive light, while neglecting essential issues, such as the gender pay gap, economic decision-making, and the sharing of care work.[5]

23. A thematic working group on women's rights was established as part of the human rights roundtable set up in 2012. Although the group was established with the stated intention of providing a forum for dialogue with civil society, it has not been convened on a regular basis; according to some stakeholders, important subjects of relevance to women's rights do not seem to have been consistently put on its agenda.

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[4] Alternative report submitted in January 2013 to the Committee on the Elimination of Discrimination against Women by the Hungarian Women's Lobby and the European Roma Rights Centre.

[5] Ibid.

4. Subcommittee on Women's Dignity

24. In 2015, the Parliament established, under the Committee on Culture, the Subcommittee on Women's Dignity, which focuses on issues of women's safety and domestic violence, and is charged with carrying out the preparatory work for the ratification of the Istanbul Convention. Its agenda includes the improvement of women's participation in economic, political and public life (A/HRC/WG.6/25/HUN/1, para. 25).

25. Legislative, institutional and policy frameworks for equal opportunities for women, with a constitutional guarantee for equality between men and women, are in place. The Working Group is concerned, however, that the elimination of discrimination against women and women's empowerment do not have a high degree of visibility as a stand-alone goal, in accordance with the strategy foreseen under the Sustainable Development Goals. Indeed, women feature as but one of a list of disadvantaged groups, not as a cross-cutting group that accounts for at least half of each of them. Specific measures regarding the human rights of women are approached essentially from the perspective of their role in the family and as mothers.

IV. Political and public life

26. Political and public life encompasses the legislative, judicial and executive organs of the State; public administration, including public boards and local councils; political parties and other organizations concerned with public and political life; and civil society, including trade unions, professional and industry associations, women's organizations and community-based organizations.[6]

27. At only 10.1 per cent, the representation of women in Parliament has improved little since the first democratic election in 1990 in which women won 7 per cent of seats; it is still one of the lowest in the European Union and one of the lowest globally, ranking 158th out of 193 countries.[7] In the regional assemblies, women's representation is slightly higher (12 per cent), although there are no women Regional Presidents. In local councils, women account for 20 per cent of those elected, mostly in small communities. At only 19 per cent, the proportion of Hungarian women Members of the European Parliament is among the lowest.

28. There have been consistently few women ministers in successive Governments. After the transition to parliamentarian democracy, from 1998 to 2014, only five women have been members of cabinet. Currently, there are no women in the 9-member cabinet. In 2015, women accounted for 11 per cent of all secretaries of State and 15.7 per cent of deputy secretaries (while making up 49 per cent of medium-level officials in ministries and 40 per cent of high-level positions in public administration in 2012); in the diplomatic service, women account for 15 per cent of ambassadors, 28 per cent of minister counsellors and 34 per cent of consuls.

29. There are no Roma women in Parliament at the national and European levels, although two Roma women were members of the European Parliament between 2004 and 2014. The National Social Inclusion Strategy (2011–2020), while specifically tackling the social exclusion of the Roma, who constitute 7 per cent of the population, has not strategized the empowerment of Roma women in political life or in decision-making positions.

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[6] See Committee on the Elimination of Discrimination against Women, general recommendation No. 23 on women in political and public life.

[7] See Inter-Parliamentary Union, Women in national parliaments (www.ipu.org/wmn-e/classif.htm).

30. The low representation of women in the country's political life is also reflected in their low degree of visibility in media programmes. In television and radio news programmes, women represent only 20 per cent of interviewers and interviewees. In this regard, the Working Group particularly welcomes the monitoring role played by the National Media Authority.

31. The extremely low representation of women in Parliament and their absence from the Cabinet represent a clear lack of political will to empower women. The Working Group notes that, although the Fundamental Law provides for the adoption of special measures to promote equal opportunities and social convergence, proposals to introduce temporary special measures, including quotas, to increase women's representation have been repeatedly rejected in Parliament. The Working Group reiterates its view that special measures, including quotas for women and other temporary measures, as required under the Convention on the Elimination of All Forms of Discrimination against Women, are necessary to achieve equality between men and women in political and public life, and to address discrimination, stereotypes and the underlying structural disadvantaging of women. In its report on public and political life, the Working Group observed that the most significant increase in the number of women in national parliaments over the years had been witnessed in countries where special measures, such as gender quotas, had been effectively implemented. The use of quotas to advance women's political representation has increased in the past three decades and has produced significant results when properly adapted to specific electoral and political systems (A/HRC/23/50, para. 38). The Working Group welcomes the adoption by some political parties in Hungary of quotas for their national lists. In the current political situation, the governing party could play a decisive role in increasing women's representation in Parliament either by adopting quotas in its own party or by requiring quotas for all political parties in legislation.

32. In the judiciary, a branch largely feminized during the socialist period, women are well represented, including in leading positions. They indeed account for 65 per cent of judges in all courts and 48 per cent of judges at the National Supreme Court, significantly higher than the European Union average of 34 per cent. Nonetheless, of the 15 members of the Constitutional Court, who are appointed by Parliament, only three are women.

33. The Working Group welcomes the Government's statement that civil society organizations play a crucial role in public life and in the legitimacy of public decisions, and that there is space for them to criticize the Government (A/HRC/33/9). It regrets, however, that some non-governmental women's rights organizations reported that they had experienced a lack of cooperation, or even communication, with State actors since 2010.[8] According to some interlocutors, the Government focuses on cooperation only with non-governmental organizations dealing with family-related issues, to the exclusion of women's organizations with other policy agendas. This claim is supported by academic research, which has shown that government funding of non-governmental organizations and consultations on issues relating to women's rights policy has been directed mainly to organizations with nationalist or conservative agendas. The Working Group was concerned, as also reported by the Special Rapporteur on the situation of human rights defenders during his visit to Hungary, that women's non-governmental organizations that have a transformative agenda and organizations representing lesbian, gay, bisexual, transgender and intersex persons and minority interests have been subjected to harassment, marginalized and accused by senior government officials and politicians of having politicized and hostile agendas. Indeed, in 2013, a communication campaign was launched in the media targeting 13 non-governmental organizations that had received grants from the

[8] Universal periodic review stakeholders joint submission 10.

European Economic Area Norway Grants fund, including the four major women's transformative human rights organizations, and reportedly been blacklisted by the Government. The organizations had also undergone a financial audit as grantees of the fund.[9]

34. The Working Group firmly believes that women's civil society organizations play an essential role in the elimination of discrimination against women and their empowerment, embracing the various aspects of women's lives, including both service and welfare objectives, and transformative political and economic agendas. They are crucial to women's participation in public and political life, including in bridging gaps in certain areas where the State is absent, and should enjoy the cooperation and support of the Government.

V. Economic and social life

A. Women in the labour force

35. The rate of participation of women in the labour force has remained low since the transition to a free market economy after decades of State socialism, when Hungary had full employment of women. Increasing the participation of women in the labour market has been a government priority set out in its National Strategy for the Promotion of Gender Equality. A noticeable increase has indeed been witnessed in recent years, reaching 57 per cent in 2015; it should be noted, however, that the increase was registered in the context of an overall increase in employment, and when the participation gap with men was also at its greatest since 2007, at 12.5 per cent.[10]

36. The reasons for significantly lower rates of participation of women in the labour force include the disproportionate allocation of unpaid care duties to women, insufficient child-care facilities, the difficulties encountered in finding part-time or flexible work, the difficulty involved in returning to the labour market after extended leave, and the early exit of older women from the labour market.

37. Women occupy almost 40 per cent of all management positions, a relatively large proportion when compared with the average in the European Union. Nonetheless, women account for only 4 per cent of chief executive positions, and only 17 per cent of the two highest levels of management. They account for only 11 per cent of company board members, as against an average of 23 per cent in the European Union. According to information provided during the visit, in the agricultural sector, 26 per cent of family farm managers are women, although 70 per cent of family farm workers are women.

38. The multiple discrimination to which Roma women are subject, including in employment, is widely recognized. While the issue of Roma is a national priority and the adoption of the European strategy for the integration of Roma was a flagship initiative of the Government during its presidency of the European Union in 2011, programmes focusing on Roma women are limited. The 2012–2014 plan of the National Social Inclusion Strategy contained one initiative regarding the promotion of employment opportunities in social, child welfare and child protection institutions for Roma women.[11] The Working Group commends the special governmental programme devised to support the social inclusion of disadvantaged women, particularly Roma women, between 18 and 55 years of

[9] Universal periodic review stakeholder submission (Frontline Defenders).

[10] See European Commission, Eurostat, Income and living conditions (accessed 22 February 2017).

[11] Hungarian Women's Lobby, alternative report submitted to the Committee on the Elimination of Discrimination against Women, January 2013.

age. The programme provides those eligible with training in social and child welfare professions, such as nursing assistants and child-care workers, and prepares them for employment in relevant institutions. The Working Group visited an elderly persons home in Eger where the Roma women had become fully integrated into the staff. It believes that the programme should be extended to open opportunities for more Roma women in other less traditionally female work areas.

39. The Working Group was impressed by the remarkable leadership and success stories of some Roma women who had succeeded in forging careers as professionals, entrepreneurs and regional civil servants. It notes, inter alia, the work of the Colourful Pearls Association, a non-governmental organization, in Pecs, which supports and empowers Roma women in education and training, job placement and access to health services.

B. Equal pay for work of equal value

40. The Fundamental Law does not mandate equal wages, unlike the previous version of the Constitution. Although the Labour Code of 2012 refers to the principle of equal treatment and equal pay for equal work, it does not have an explicit requirement for equal pay for work of equal value, nor does it provide for any system for gender-neutral job evaluations.

41. In its Direct Request, adopted in 2013, with regard to the ILO Equal Remuneration Convention, 1951 (No. 100), the Committee of Experts on the Application of Conventions and Recommendations observed that, despite a reference to "the equal value of work", the Labour Code did not appear explicitly to provide for an obligation to pay men and women equal remuneration for work of equal value, but seemed to refer only to the principle of equal treatment in remuneration. The Committee suggested amending the Labour Code explicitly to provide for equal remuneration between men and women for work of equal value, clarifying that work of equal value was to be determined on the basis of objective criteria. It requested the Government to provide information on any measures taken to address the underlying causes of the gender pay gap, such as horizontal and vertical occupational gender segregation and the need for men and women to reconcile work and family responsibilities.

42. As in other countries of the European Union, Hungary has a persistent gender pay gap, which is measured on the basis of various indicators. Eurostat registered a gender overall earnings gap of 32.4 per cent in 2014,[12] and a number of other indicators covering a range of occupational fields (for example, 15.1 per cent for industry, construction and services, and 3.8 per cent for public administration).[13] According to the Organization for Economic Cooperation and Development (OECD), the most recent figures for 2015 (established in accordance with its own methodology) showed a gender wage gap in Hungary of only 9.5 per cent.[14]

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[12] The gender overall earnings gap is a synthetic indicator that measures the impact of the three combined factors: (1) average hourly earnings; (2) monthly average of the number of hours paid (before any adjustment for part-time work); and (3) employment rate, on the average earnings of all women of working age (whether employed or not) compared to men.

[13] European Commission, Eurostat, Earnings and social inclusion (http://ec.europa.eu/eurostat/data/database), accessed 24 February 2017.

[14] The gender wage gap calculated by OECD is unadjusted and defined as the difference between median earnings of men and women relative to the median earnings of men (data refer to full-time employees and self-employed).

43. The Labour Code does not require employers to develop equal opportunity plans. Discrimination against women in employment is usually not challenged as an independent cause of action in the court system, and there is little visibility or awareness of women's right to access to justice to enforce their right to equal treatment and opportunity in employment.

C. Family and work

44. The Government considers the family, women, work and the protection of children one integral policy issue (A/HRC/WG.6/25/HUN/1). Promoting the family and integrating work with family has been a central concern of the current Government's gender equality policy.

45. Family policy is focused on maintaining demographic growth, reflecting the explicit constitutional provision guaranteeing the protection of the family as the basis of survival of the nation. According to the information contained in a family policy paper provided during the visit, the Government's prioritized objective is to secure a lasting reversal in demographic trends. Despite the reported increase in the number of marriages and the decrease in the divorce rate and the voluntary termination of pregnancies since 2010, the Government remains concerned that the current population numbers can be maintained only if each woman of child-bearing age has more children. In the view of the Government, financial stability and employment are conducive to demographic growth.

46. The State has long offered a family support system through family allowances and other paid benefits, which have allowed mothers to suspend their participation in the labour market to care for their children, particularly during the children's infancy. With the adoption of Act CCXI on the Protection of Families in 2011, the Labour Code in 2012, and another reform in 2014, the Government has introduced measures to render more flexible the generous and complex packages of the family support system – more than 3.5 per cent of GDP (against the OECD average of 2.5 per cent) is allocated to family benefits – with a view to facilitating women's return to the labour market and to establishing the work-life balance of parents with young children.

47. The return to employment of mothers with young children has been a priority for the Government. The new Labour Code in fact requires employers to allow parents of small children to work part time until their youngest child has reached 3 years. Employers who employ mothers of three of more young children are eligible for tax relief.

1. Maternity leave, paternity leave and parental leave

48. The Labour Code provides for 24 weeks of maternity leave and five days of paternity leave. The Working Group believes that, beyond the minimum mandatory leave of 14 weeks for women (in accordance with ILO conventions and European Union directive 92/85), the decision of taking the remainder of the 24 weeks of leave envisaged by law should be left to the parents. Women cannot enjoy equal opportunities if the law prevents them from sharing the burden of care for young or elderly family members with men.

49. Parental leave of up to three years is also guaranteed for employees in both public and private sectors. Both parents have an individual right to take parental leave; if both parents take leave, however, only one of them is entitled to social security payments, and only the mother is entitled to job protection. The law does not allow for the sharing of maternity leave nor for the transfer of part of the parental leave to the other parent. The mother is usually the parent who takes parental leave. Interlocutors explained this as a result of the gender wage gap; the increasingly conservative tone of public rhetoric on the

"proper" role of women; and also the common view that it is in the best interests of the child to stay at home with the mother until the age of three.

50. The Labour Code prohibits the termination of a woman's contract during pregnancy, maternity leave or leave of absence taken without pay to care for a child. A pregnant employee may invoke protection against termination of contract only if she has given notice to her employer of her pregnancy before the disclosure of the termination. In 2014, the Constitutional Court ruled that this provision may violate the employee's right to privacy and human dignity, and that the employee should be protected against termination even when prior notice has not been given.

2. Family allowance

51. Family allowance is guaranteed to every family from the date of birth of the first child until the child completes secondary studies. The amount of family allowance provided increases if there is more than one child in the family, for single parents or in the case of disability.

52. A range of in-kind support is available to families, such as school meals and textbooks. In 2015, the Government introduced a programme that provided housing grants and loans to families with three children or more, including single-parent families.

53. A new form of tax relief introduced in Hungary affects a significant proportion of families, favouring those paying income tax or at least social contributions. The amount of the tax deduction is much higher for families with three or more children than for families with just one or two children. The Government plans gradually to double the allowance for families with two children. The State currently allocates approximately 1.1 per cent of GDP to this scheme.

3. Child-care support

54. There are currently four forms of monetary support designed to help parents, and particularly mothers, to take leave of absence from work and to care for their children at home. Infant-care and child-home-care subsidies are payable to employed parents, and the amount of each depends on the mother's previous salary. The first subsidy, equal to 70 per cent of current salary, with no upper limit, is paid to the mother during maternity leave; the second, equivalent to 70 per cent of the previous salary, with an upper limit, is paid to the parent after the first benefit expires, and continues until the child reaches the age of 2 years,.

55. The other two forms of allowance – the child home-care allowance and the child-raising support benefit – guaranteed a fixed amount that is payable regardless of previous employment status, and are thus mainly paid to non-working mothers. The first, a relatively low amount, is payable from the child's birth until the child reaches 3 years of age. Parents previously employed are also eligible for this allowance when the child is between 2 and 3 years of age. The child-raising support benefit is payable from the age of 3 to 8 years to parents of three or more children. Beneficiaries of these two allowances are permitted to work either part-time or full-time.

4. Child-care facilities

56. Hungary did not meet the targets set by the European Council in 2002 of providing child-care facilities by 2010 for at least 90 per cent of children between the age of 3 and the mandatory school age and at least 33 per cent of children under the age of 3. The most

recent data, currently at 89.1 per cent and 15.4 per cent respectively, indicate that Hungary has made steady progress to achieve the targets.[15] While welcoming this progress, the Working Group is concerned about the low rate of availability for children under 3 years of age, which adversely affects low-income families, who are usually unable to pay for private care arrangements.

57. The lack of child-care services was the reason most frequently reported by women for not working or for working part-time. The employment rate of women with children below the age of 12 years is more than 27.4 percentage points lower than for women without children. The gap of participation in the labour market between mothers and women without children is the second largest in the European Union.[16]

58. The Working Group believes that the social and economic measures taken to encourage mothers to stay at home for prolonged periods with their young children may contribute to the longer-term economic inactivity of women. While part-time employment of parents of young children should be encouraged, it should be recognized that part-time work might not provide either the income or the job prospects that many women need, and could prejudice their long-term career and economic prospects.

59. The Working Group recognizes the progress made in promoting women's employment through a range of measures, including child care, child-care leave policies and the facilitation of part-time work, and notes that as much has also been acknowledged by civil society organizations.[17] The Working Group believes, however, that the Government's family policy places women in a dilemma. It sends mixed messages: on the one hand, it embraces an idealized role for women who stay at home to care for a three-child family; on the other, it calls for women to work as a matter of economic necessity.

60. The Working Group notes that a large proportion of the package of family support benefits is based on the percentage of the previous salary or income tax relief, such as the maternity and parental leave payments and the child home-care fee. According to the interlocutors encountered by the Working Group, this system of calculation and mode of benefit delivery are very effective for middle- or high-income parents, but not for those with a low income.

D. Education

61. The right to education is described in article XI of the Fundamental Law. The Act on Public Education of September 2015 extended compulsory kindergarten education to children aged between 3 and 5 years.

62. Hungary has achieved a high level of education for both boys and girls; completion of secondary education is in fact considerably higher than the OECD average.[18] Nonetheless, only 23 per cent of men and women complete a tertiary education, which is low in comparison with the OEDC average of 39 per cent. In the past 20 years, women have completed tertiary education at a higher rate than men, with a high proportion of them in part-time studies and distance learning. The Working Group notes that women students

[15] European Commission, Eurostat, Income and living conditions (http://ec.europa.eu/eurostat/web/income-and-living-conditions/data/database), accessed 22 February 2017.

[16] European Parliament, "The Policy on Gender Equality in Hungary: Update 2013", Directorate-General for Internal Policies, 2013.

[17] Hungarian Women's Lobby, alternative report submitted to the Committee on the Elimination of Discrimination against Women, January 2013.

[18] OECD, Country note, Education at a glance 2014: Hungary.

are more concentrated in the humanities, and tend to choose professions in education, arts and social sciences. They are underrepresented in information technology, engineering and science.[19]

63. Despite their higher tertiary education completion rate, women hold only 37 per cent of doctorates and 14 per cent of university professorships, and account for only 3.5 per cent of the membership of the Academy of Sciences. Hardly any university rectors, who are appointed by the Minister for Education, and are responsible for setting the agenda for gender balance of university staff, are women.

64. The overall shift from emphasis on gender equality to family mainstreaming was reflected in the new national core curriculum adopted in 2012. According to interlocutors, gender equality has been downplayed in the curriculum, while greater emphasis is given to preparing students for relationships and to family life.[20] At its fifty-fourth session, the Committee on the Elimination of Discrimination against Women expressed its concern that educational programmes aimed at strengthening family life skills reinforced traditional gender stereotypes (CEDAW/C/HUN/CO/7-8).

65. Roma women have a much lower education level; according to the National Social Inclusion Strategy (2011-2020), only 5.8 per cent have vocational qualifications, compared to 17.5 per cent of Roma men. Roma women have a lower education level than non-Roma women, although the number of Roma women with upper secondary education has increased.[21] The Working Group believes that the placement of Roma children in schools of an inferior standard or in schools for pupils with learning disabilities is a discriminatory practice.

66. In contrast, the Working Group was impressed by the success of the cultural enrichment programme and excellent education for Roma children in the Gandhi High School, which it visited. The school has a success rate of almost 100 per cent in placing its graduates in either tertiary university education or vocational frameworks; of these, 50 per cent of graduates, a majority of whom are girls, enter university. The school also provides an exemplary model for re-integrating girls who have become pregnant. The Working Group was deeply concerned to hear that Roma women had reported experiencing multiple discrimination and hostility on university campuses. Roma women who have completed tertiary education encounter multiple discrimination in the labour market,[22] and many of them fail to find employment at the academic or vocational level that they have acquired. They also face restrictive conservative attitudes of their own communities.

VI. Gender stereotypes

67. The Working Group noted that women's participation in all spheres of society was overshadowed by a stereotypical and patronizing approach to women that pervades attitudes and speeches. Gender stereotypes depicting women solely in the role of mothers and caregivers and disparaging them as political actors are predominant, which has a great impact on their right to equality, undermining their empowerment. Some interlocutors referred to women as "the weaker sex".

[19] UNESCO, Education for All 2015 National Review: Hungary.

[20] Alternative report submitted to the Committee on the Elimination of Discrimination against Women.

[21] European Parliament, Country report on Hungary: Empowerment of Roma Women within the European Framework of National Roma Inclusion Strategies, 2013.

[22] European Commission, Discrimination in the EU in 2009, Eurobarometer, November 2009.

68. The high prevalence of gender stereotyping of women in the public sphere undoubtedly contributes to their low levels of political participation. Some public officials openly justify the low representation of women in politics, as did the Speaker of Parliament, in his speech at a rally for the Fidesz party on 13 December 2015, when he suggested that a woman's place is at home, not in politics; he was greeted by a round of applause. When Hungarian women do enter in politics, they face a strong sexist institutional culture of which the Working Group was given several egregious examples by interlocutors. Offenders are rarely sanctioned for their behaviour or remarks. Interlocutors also informed the Group that incitement to hatred against sexual minorities by politicians and leading government officials is commonplace.

69. Conservative stereotypes about women's role in society also have a considerable impact on women's participation in the labour market. A survey conducted in 2008 on gender stereotypes revealed that Hungarians were more likely than citizens in other countries of the European Union to support the notion that men should be prioritized for employment when jobs are scarce and that women should be prepared to do less paid work in order to care for their families. For a high portion of the population, the role of the man is to earn money, while that of the woman is to care for the household and children.

70. A State regulation on the elimination of stereotypes from school textbooks has been in force since 2006. The Working Group was informed and shown by interlocutors from the education sector, however, that new school books still contain gender stereotypes, depicting women as primarily mothers and wives and, in some cases, depicting mothers as less intelligent than fathers. The elimination of gender stereotypes was one of the priorities of the National Strategy for the Promotion of Gender Equality to be achieved by 2012.Concrete outcomes are, however, yet to be seen.

VII. Right to health

71. The foundations of the Hungarian health-care system were established by Act CLIV of 1997 on Health, which guarantees the right of each person to have access to appropriate health care without discrimination, including on grounds of gender. Under the Act, women's health is addressed in the section on family health, and relates in particular to women's reproductive functions and prenatal care for "expectant mothers". The Working Group believes that health agendas must address women's health in a holistic manner in order to establish the differentiated medication, treatment and medical services required for female patients. Policies regarding women's health services should not be limited to questions of maternal health. Despite the importance of prioritizing this issue, such a restrictive focus fails to recognize the full spectrum of women's rights to sexual and reproductive health at all stages of their life cycle, and contributes to the instrumentalization of women's bodies, viewing them mainly as a means of reproduction (A/HRC/32/44, para. 33).

72. Women in Hungary have a life expectancy of 78.7 years compared to 71.6 for men.[23] According to the Government, basic health services reach a large proportion of the population, including disadvantaged persons, while vaccination against HPV is offered to 12 year-old girls. The network of health visitor nurses has a long history in the country, and has been increasingly used to cover areas such as cervical and breast cancer screening.

[23] OECD Health Statistics 2014: How does Hungary compare?

73. Women face barriers in their access to contraception and abortion services. The State does not subsidize any form of contraception.[24] Interlocutors informed the Working Group that emergency contraception was only available upon prescription, contrary to the decision made by the European Commission in January 2015 requiring Member States to allow the sale of the emergency pill over-the-counter, which is essential for ensuring availability, especially for economically disadvantaged women and adolescent girls (A/HRC/32/44). Contraceptives are only covered by health insurance when the woman needs them for medical reasons. The Working Group was informed that, owing to the lack of appropriate access to affordable modern forms of contraception, the number of abortions in Hungary is extremely high: one out of three pregnancies ends in abortion, compared to the European Union average of one out of five.

74. Termination of pregnancy has been legal in Hungary for decades. The Fundamental Law, however, provides for the protection of the life of the foetus from the moment of conception; some stakeholders therefore fear that this provision could threaten women's reproductive rights. The Working Group welcomes the Government's statement in its constructive dialogue with the Committee on the Elimination of Discrimination against Women in 2013 that the new article in the Fundamental Law protecting life from the moment of conception would not be used to restrict women's access to abortion (CEDAW/C/HUN/CO/7-8). Nevertheless, interlocutors informed the Working Group that women who require an abortion are in many cases subjected to two sessions of counselling and a mandatory 3-day waiting period, contrary to WHO recommendations. According to interlocutors, counselling is explicitly designed to dissuade women from obtaining an abortion. According to the Government, counselling also includes help with adequate family planning, including suitable contraceptive methods. The Working Group notes, however, that such counselling is not timely when a woman is seeking an abortion for an existing pregnancy, nor does it provide women with access to affordable modern contraceptives. Medication abortion methods are not generally used by doctors.

75. Under the Act on the Protection of Foetal Life, no physician or other health-care worker may be required against their will to terminate a pregnancy or to participate in one, except if the woman's life is endangered. Health institutions with an obstetrics-gynaecology department are nonetheless required by the Act to ensure that at least one group that performs pregnancy terminations operates in the institution. Despite this legal requirement, an increasing number of hospitals have joined the "abortion-free days" initiative organized by an anti-choice organization. The existing regulation does not ensure oversight or monitoring mechanisms over the practice of conscientious objection, nor does it provide for complaint mechanisms in the event that a woman's right to legal abortion services has been denied. In addition, the current regulation does not impose the most essential duties on objecting providers, such as a duty to refer a woman to a non-objecting health practitioner and to inform her of all existing alternatives.[25] The Working Group reiterates the jurisprudence of human rights treaty bodies: that, where conscientious objection is permitted, States still have an obligation to ensure that women's access to reproductive health services is not limited, and that conscientious objection is a personal, not an institutional, practice (A/HRC/32/44).

76. The Working Group was informed of the over-medicalization of practices related to childbirth, which is not in accordance with WHO indicators or guidelines. The over-medicalization of childbirth practices may carry the risk of obstetrical complications and health problems. In Hungary, 33.4 per cent of all births are delivered by caesarean section,

[24] Universal periodic review stakeholder joint submission 10.

[25] Centre for Reproductive Rights and Patent, information submitted to the Committee on the Elimination of Discrimination against Women, review of Hungary, January 2013.

and 90 per cent of women giving birth by vaginal delivery undergo an episiotomy. The Working Group was informed that the Ministry of Human Capacities is surveying the reasons behind the current figures. Stakeholders reported that independent midwives are still not recognized as a professional group, despite the decree issued in 2011 creating the legal framework for home birth. Most women are excluded from giving birth outside hospitals on the basis of "medical contraindications".[26]

77. Roma women disproportionately suffer from discrimination in their access to health services. They lack adequate access to family planning services, modern methods of contraception and regular gynaecologist consultations. The Working Group received reports that they faced segregation and negligence in many medical facilities. They are, as a result of the high incidence of teenage pregnancy and early marriage, highly vulnerable to increased risk of maternal mortality and obstetric fistula.

78. The national core curriculum introduced in 2012 makes sexuality education in schools mandatory as part of other subjects, such as natural science, biology and ethics, but not as a separate subject. It provides for teaching about contraception as of grades seven, focusing primarily on information about healthy pregnancies and arguments supporting conscious family planning. The curriculum does not specifically refer to the issues of sexually transmitted diseases or unwanted pregnancies, information that is vital for comprehensive sexual health education.[27]

VIII. Violence against women

79. Hungary signed the Istanbul Convention in 2014. Although the Government appointed an interministerial committee to prepare for the ratification process, the task remains pending. The Working Group was informed that the draft bill for ratification was issued for public consultation in February 2017.

80. The ratification of the Convention would have facilitated a systematic approach and a comprehensive legal framework for violence against women. The Working Group welcomes the Government's publicly stated position in its dialogue with the Committee on the elimination of Discrimination against Women and at its universal periodic review that the ratification of the Convention was an important task, and urges it to deal with the matter with the urgency due, three years after the signing of the Convention.

81. Awareness of the issue of domestic violence has increased over recent years. The 2013 amendment to the Criminal Code prohibits domestic violence, including physical, psychological and economic violence. Previously, domestic violence was not considered a distinct criminal offence. The prohibition applies to various forms of violence, including battery, violation of personal freedom or duress and attacks on human dignity when perpetrated by spouses, ex-spouses, family members, cohabitants, ex-cohabitants or guardians or persons living under guardianship. The Working Group was informed that the definition also covered non-marital intimate relationships, including same-sex relationships.

82. Act No. LXXVII of 2009 put in place a rather effective system for the issuance of short-term restraining orders. Some government interlocutors told the Working Group, however, that they regretted that restraining orders issued by the police were only valid for 72 hours and could be extended by a court for a maximum of 60 days.

[26] Universal periodic review stakeholder joint submission 10.

[27] Centre for Reproductive Rights and Patent; information submitted to the Committee on the elimination of Discrimination against Women, review of Hungary, January 2013.

83. Domestic violence remains a serious issue, despite greater awareness and positive legislative measures. According to information provided by the authorities during the visit, some 88 women were killed in the context of domestic violence, accounting for 43 per cent of all murders in 2015. The Group was informed by interlocutors that the application of the law and regulations remained problematic, and that gender-sensitive training for law enforcement actors was inexistent, resulting in inefficient and ineffective response to cases of violence against women.

84. Sexual violence and rape are defined in a separate provision of the Criminal Code. Sexual violence is defined by the forced character of the act or threat against the life or bodily integrity of the victim. It includes cases where a person is exploited or incapable of self-defence, or unable to express her or his will. Sexual coercion was introduced as a new criminal offence, which does not require proof that the perpetrator used violence to force the victim into a sexual act; thus, a sexual act committed with any type of coercion that does not involve force or violence may be considered sexual coercion. The legislation did not include, within the definition of rape, sexual relations without the consent of the victim. According to the Criminology Institute, in the 1990s, 90 per cent of cases of sexual abuse went unreported. More recent official data are not available. According to official data for 2013, Hungary has one of the lowest reporting rates for rape among 33 European countries.[28]

85. The Working Group was informed that attempts were being made to address the tendency by law enforcement actors to blame the victim, as demonstrated when, in a video used by the police to educate girls to protect themselves against sexual predators, the blame was attributed to the victim by stereotyping dress and flirtation as causes for violent attacks. The Working Group draws attention to the fact that non-governmental organizations, despite their limited resources, play an important role in combating violence against women and in providing victims with help, especially by means of helplines.

86. Prostitution has not been prohibited since 1993, although it is punishable as a public administrative offence for disturbing the peace where practiced in prohibited areas or where the person prostituting themselves does not have an up-to-date medical certificate. The Group was disturbed to hear that a significant number of girls had been arrested and hundreds of them fined for prostitution in 2014. When they do not pay the fine, they are detained in correctional facilities.

87. Hungary is essentially a country of origin and transit for human trafficking. A national strategy was adopted for the period 2008-2012, and a new plan of action was accepted by Parliament for the period 2013-2016.Young women and girls living in disadvantaged regions and children living in child-care institutions nonetheless remain highly vulnerable to human trafficking. Roma women and girls account for 40 to 80 per cent of trafficking for sexual exploitation.[29] Interlocutors informed the Working Group that, although Act CXXXV of 2005 on Support for Crime Victims and State Compensation requires services to be made available to victims, including victims of violence and trafficking, no effective tools have been developed to identify trafficking victims, especially at border entry points or in detention centres for migrants, refugees and asylum seekers. Government sources confirmed that no trafficking victims had in fact been identified among asylum seekers, except by the authorities in other countries of origin or destination.

88. Hungary became an entry point in 2015 for refugees and migrants. The Working Group visited the Bicske reception centre for refugees and asylum seekers, and observed

[28] Centre for Reproductive Rights and Patent, information submitted to the Committee on the Elimination of Discrimination against Women, January 2013.

[29] Universal periodic review stakeholder joint submission 6.

separate accommodation for women, with a majority of female social workers and medical officers. Interlocutors informed the Working Group that, while migrant women who succeed in entering the country are, as a rule, in transit for a very short time, they are highly vulnerable in the transit zones at the border, and may experience various forms of violence and live in very precarious conditions, with no social welfare assistance, health care or sanitary facilities. At the universal periodic review of Hungary in May 2016, the Government explained that Hungary had not closed its borders per se; rather, in order to protect the external borders of the Schengen area, it had established transit zones inside which asylum claimants could enter Hungary, provided their claim had been accepted. In March 2017, the Parliament of Hungary approved the automatic detention of all asylum seekers in container camps at the State's southern borders. The Working Group joins the Office of the United Nations High Commissioner for Refugees in expressing its concern that the new law violates the State's obligations under international and European Union laws, and will have a terrible physical and psychological impact on women, children and men who have already greatly suffered.

IX. Conclusions

89. **Hungary has reaffirmed its willingness to cooperate with international human rights mechanisms through its participation in the second cycle of the universal periodic review and its invitations to special procedure mandate holders to visit the country.**

90. **The protection of the family occupies a central place in the social and economic policies of the Government. The Working Group recognizes that the family is the natural and fundamental unit of society and is entitled to protection by society and the State, emphasizing that the respect, protection and fulfilment of the human rights and freedoms of individual members of the family, including women and children, must occupy a front and central place, as an integral aspect of the protection of the family. In its view, a conservative form of family whose protection is guaranteed as essential to national survival should not be put in an uneven balance with women's political, economic and social rights and the empowerment of women. It stresses that the formulation of family should be interpreted as including the diversity of families, recognized under international human rights law, and that it should never be used to undermine women's reproductive rights.**

91. **Women's rights are fundamental human rights that are not subject to other consideration, and should be treated both as a stand-alone and cross-cutting goal in legal, policy and institutional frameworks, as required by the Sustainable Development Goals. A woman's right to equality cannot be seen merely in the light of protection of vulnerable groups alongside children, the elderly and the disabled, as they are an integral part of all such groups. The realization of women's human rights and the empowerment of women in all fields of life must go beyond the family framework and the national priority of demographic growth.**

92. **Women are significantly disempowered in Hungarian political life. Underlying this situation is the pervasive and flagrant stereotyping of women, with repeated statements by some public figures that women are unsuited to political power and the insistence on a woman's role as primarily a wife and a mother. This is aggravated by multiple forms of discrimination and xenophobia regarding Roma women, who are virtually invisible in the political system. Significant measures should be taken to eliminate these forms of stereotyping and discrimination, including by censuring the sexist rhetoric of public figures.**

93. **In the economic sphere, the Government has taken important measures to facilitate the integration of work and the family. However, the economic need for women to work and the idealization of a woman's role as a stay-at-home mother create an irreconcilable dilemma for women. Furthermore, the support measures introduced by the Government in practice largely benefit women who have a middle income or above, and do not solve the dilemma for women who are low earners, such as Roma women. The Government should take measures to counteract the restrictive stereotyping of women resulting from its presentation of its policy, and make sure that it is administered as a family-friendly policy, not confined to mothers alone.**

94. **In all these contexts, the Working Group encourages the Government to give full effect to the constitutional guarantee of equality between women and men and to all aspects of its National Strategy for the Promotion of Gender Equality. The Working Group observed that the Government, in implementing the National Strategy, has to date focused on promoting the objectives of reconciliation of work and family life and on the prevention of domestic violence. It appreciates the Government's policy priority of countering the considerable decline in the birth rate and its efforts to encourage women and men to have more children by, inter alia, introducing measures to improve their work-life balance. It also appreciates the focus on reducing domestic violence. It is however concerned that other goals of the National Strategy have not been adequately addressed, such as increasing the participation of women in political and economic decision-making; eliminating gender stereotypes; achieving equal economic independence for women and men by, inter alia, eliminating the gender pay gap and gender-based poverty; and addressing women's health issues. It stresses that the achievement of all these objectives is necessary to bring about the equality and empowerment of women, which is essential for the economic and social welfare of the State, the community and the family.**

95. **There can be no success in empowering women in Hungary in the political or the economic spheres without addressing the discriminatory stereotyping, the sexist rhetoric against women – including lesbians, and transgender and intersex persons – and the disproportionate burdening of women with responsibility for care work.**

96. **Considering the State's generally high level of human development, the measures taken to tackle discrimination against women in practice have been insufficient. While Hungary ranks 43rd on the Human Development Index,[11] it lags at 101 (out of 144) on the Gender Gap Index.[12] The significant gap between its rating in human development and gender equality calls for stronger and more visible legislative, policy and institutional measures.**

X. Recommendations

A. Legal, policy and institutional frameworks

97. **The Working Group recommends that the Government of Hungary:**

(a) **Give high visibility and dedicated attention to women's rights by constructing a coherent institutional architecture that includes a high-level, well-resourced mechanism whose mandate will be dedicated to the advancement and empowerment of women as a stand-alone goal;**

[11] See http://hdr.undp.org/en/countries/profiles/HUN.

[12] World Economic Forum, The Global Gender Gap Report, 2016.

(b) Develop plans of action for implementing all priorities in the National Strategy with the involvement of a range of stakeholders, including non-governmental women's rights organizations, with a transformative agenda.

B. Political and public life

98. The Working Group recommends that the Government:

(a) Take special measures, as provided for in the Fundamental Law, to increase women's representation in the country's political life and in senior positions in the public administration, including in the foreign service;

(b) Ensure a better gender balance in the process of making new appointments to the Constitutional Court;

(c) Empower the major transformative women's non-governmental human rights organizations to play a vital role by allotting a fair share of the funding for civil society organizations and including them fully in government consultations.

C. Economic and social life

99. The Working Group recommends that the Government:

(a) Take measures to increase the number of women in economic decision-making positions, including by introducing a quota system to increase the number of women on public and private corporate boards, and to provide special financial assistance or government procurement contracts to women-owned businesses to incite women's leadership in business;

(b) Extend and further fund programmes for Roma women's employment to cover a larger number of the population in more empowering and less traditional fields;

(c) Require employers to give equal pay through the use of various means, including by objective job evaluations, with the participation of stakeholders and social partners, and by the desegregation of professions, in accordance with ILO recommendations;

(d) Encourage the sharing of child-care responsibilities by fathers through legal amendments to allow the choice of parents with regard to the sharing of the 24-week maternity leave after a minimum of 14 weeks for the mother, and ensuring equal job protection for fathers who take parental leave, and extend the length of paternity leave;

(e) Provide further incentives to employers to implement flexible work arrangements, including home-based work;

(f) Take measures for child-care support that target parents with smaller families and low-income families, including through subsidies;

(g) Increase the number of nurseries for under 3-year-olds, and ensure that nurseries and kindergartens are, in accordance with its own policy, in practice free for all but high-income parents, irrespective of the number of children;

(h) Improve the remedies for discrimination in employment, for instance by giving the Equal Treatment Authority the power to issue enforcement orders against employers and to award exemplary damages;

(i) **Provide mentoring for women students in the pursuit of doctorate degrees, and promote qualified women to professorships and rectorships;**

(j) **Increase resources for the education of disadvantaged children, including Roma children, to ensure that Roma girls and boys are not being segregated in inferior educational institutions.**

D. Gender stereotypes

100. **The Working Group recommends that the Government:**

(a) **Develop the transformative changes required to eliminate discrimination against women in practice and to empower women by educating children on gender equality and human rights, through the national human rights institution, the courts and the media;**

(b) **Sensitize all actors in society to the multiple roles that women play in both the private and public spheres;**

(c) **Conduct public campaigns and educational programmes to create the enabling conditions for public recognition and acceptance for women, including Roma women in leadership and decision-making positions;**

(d) **Hold public figures accountable for sexist and abusive language and expressions affecting women's dignity and that of lesbian, gay, transex, bisexual and intersex persons by applying fines or the penalty of exclusion from public proceedings, including in Parliament;**

(e) **Remove all gender stereotypes from school textbooks, and introduce effective teaching programmes in schools and in teacher training to eliminate ethnic and gender-based discrimination.**

E. Right to health

101. **The Working Group recommends that the Government:**

(a) **Adopt a holistic approach to women and girl's health that takes into consideration their full lifecycle of interconnected phases, from childhood to old age, and ensure properly differentiated medication and care for them;**

(b) **Ensure access to medical services, without discrimination on the grounds of gender or ethnicity;**

(c) **Remove barriers to sexual and reproductive health services by making available affordable, quality, modern forms of contraception, including emergency contraceptives; eliminating the requirement of a mandatory waiting period and hostile counselling; and regulating conscientious objection to ensure availability of an alternative for the patient, to have access to treatment within the time needed for the procedure;**

(d) **Include contraception of choice, preventive care and treatment for cervical and breast cancer, termination of pregnancies and maternity care in universal health care, or subsidize provision of these treatments and medicines to ensure that they are affordable;**

(e) **Regulate birthing facilities to ensure respect for women's autonomy, including the choice of giving birth at home, provided there are no specific medical contraindications;**

(f) **Address the high rate of caesarean sections by means of research of the reasons thereof;**

(g) **Ensure that sexuality education is age-appropriate, comprehensive and inclusive, on the basis of scientific evidence and human rights, for girls and boys, as part of compulsory school programmes, and pays special attention to gender equality, sexuality, relationships, gender identity, and responsible parenthood and sexual behaviour in order to prevent early pregnancies and sexually transmitted infections.**

F. Violence against women

102. **The Working Group recommends that the Government:**

(a) **Ratify the Istanbul Convention without further delay;**

(b) **Develop a publicly available database on violence against women, containing information on complaints, restraining orders, prosecutions, convictions and sentences, and facilitate reporting by victims of violence;**

(c) **Ensure continuous training of law enforcement forces on human rights, including respect for women's autonomy and the negative impact of gender stereotyping;**

(d) **Cease the use of punitive measures, such as administrative detention and forced medical check-ups, against prostitutes, and ensure their right to have access to sexual health services;**

(e) **Further develop tools for identifying trafficking victims to ensure proper protection;**

(f) **Ensure the protection of the human rights of women and girls who seek to pass the borders of Hungary.**